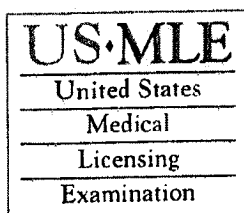


EXHIBIT 9



**Via US Mail and Email
Personal and Confidential**

September 15, 2009

Secretariat:
3750 Market Street
Philadelphia, PA 19104
(215) 590-9600
Fax: (215) 590-9470
www.usmle.org

Mathew Thomas, Jr. USMLE ID#: 0-633-396-7
P.O. Box 14-0415
Staten Island, NY 10314-0415
Email: manu.thomas.31@gmail.com

Dear Dr. Thomas:

As referenced in my letter to you of July 27, 2009, and as stated in the *Bulletin of Information*, the USMLE program has established rules to govern administration of the examinations to ensure that no examinee or group of examinees receives unfair advantage on the examination, inadvertently or otherwise. The *Bulletin* further notes that those rules include standard test administration conditions consistent with the principles on which the examinations are developed and scored. For example, examinations are designed to sample knowledge across specified content domains, and unauthorized access to examination content prior to testing violates that principle. Scores may be classified as *indeterminate* if the scores are at or above the passing level and the USMLE program cannot certify that they represent a valid measure of an individual's knowledge or competence as sampled by the examination.

As also referenced in my July 27, 2009 letter, the sponsoring organizations of the USMLE program have filed suit in federal court, alleging copyright infringement by Optima University ("Optima"), a provider of USMLE review courses. The Complaint filed on behalf of the National Board of Medical Examiners and the Federation of State Medical Boards in the United States District Court for the Western District of Tennessee against Optima, its owner, and various Doe Defendants sets forth the specific allegations with respect to the unauthorized copying, reconstruction, and distribution of copyrighted USMLE test questions and answers. While the investigation into this matter is ongoing, information is available that, over a period of years, secure USMLE test materials have been made available to participants in the Optima courses. This information raises concerns regarding the validity of the passing level scores obtained by individuals who were involved with Optima courses prior to testing.

A Joint Program of the Federation of State Medical Boards of the U.S., Inc. and the National Board of Medical Examiners®



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My July 27, 2009 letter specifically noted that information was available regarding your involvement with Optima University, and that such information raises concerns about the validity of the passing level scores obtained by you on USMLE Steps. You noted in your August 12, 2009 email message to me that you passed Step 1 in February 2006, "well before Optima's existence." In that same email message, you asserted that you passed Step 2 CK in 2007 with your own "hard work and perseverance." However, an analysis of your performance on the December 31, 2007 Step 2 CK, along with your acknowledged presence at Optima, raises concerns about the validity of the passing level scores reported to you for that examination.

Accordingly, this matter is being referred to the USMLE Committee on Score Validity for further consideration and action consistent with the processes described in the *USMLE Policies and Procedures Regarding Indeterminate Scores*, a copy of which is enclosed herein.

In addition to the information provided by you on USMLE applications, the available information relating to your December 31, 2007 Step 2 CK that will be shared with the Committee is as follows:

- Between February 2004 and December 2007, you took the Step 2 CK on six occasions, with the following results:

Date	Location	Scores
February 19, 2004	Staten Island, NY	125 / 52
May 28, 2005	New York, NY	161 / 66
October 25, 2006	Brooklyn, NY	172 / 71
February 14, 2007	Fair Lawn, NJ	174 / 71
July 27, 2007	Warwick, RI	182 / 74
December 31, 2007	Clark/Union, NJ	206 / 85

- There is evidence that 32% of the test items that appeared on the Step 2 CK form taken by you in December 2007 and that were used in scoring that form may have been subject to unauthorized reproduction and dissemination through Optima prior to December 2007.
- Your percent correct score on those scored items believed to have been exposed was higher than your percent correct scores on scored items about which there is no current evidence of exposure (84% versus 66%). The average performance

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of a comparison group of 1162 other examinees that took that same form of Step 2 CK shows greater consistency in performance on those two sets of items (an average of 75% correct on exposed items and 75% on non-exposed items). The difference that is calculated by subtracting your percent correct performance on non-exposed items from your percent correct performance on exposed items is greater than that difference, similarly calculated, for 99% of the examinees in the comparison group.

- Also, the average amount of time that you spent on the scored items believed to have been exposed was 59 seconds, whereas the average amount of time that you spent on the scored items for which there is no evidence of exposure was 73 seconds. Your timing data differ markedly on these two subsets of items when compared with a group of 1162 other examinees that took that same form of Step 2 CK (an average of 73 seconds on exposed items and 76 seconds on non-exposed items). The difference that is calculated by subtracting the average amount of time spent by you on exposed items from the average amount of time spent by you on non-exposed items is greater than that difference, similarly calculated, for 99% of the examinees in the comparison group.

This matter is scheduled for review by the Committee on Score Validity at its meeting on October 14, 2009. As further explained in the Policies and Procedures, you have the opportunity to submit information relevant to the Committee's assessment of the validity of your scores, and have the opportunity to appear personally before the Committee, and to be accompanied by counsel, if you so wish. If you also wish to submit any written information for the Committee's consideration, it is requested that such information be sent to me for receipt by October 2, 2009.

Following consideration of all of the information presented to it, the Committee on Score Validity will determine whether your December 31, 2007 Step 2 CK scores can be certified as representing a valid measurement of your competence in the domains assessed by the examination or whether to classify your Step 2 CK scores as indeterminate.

As explained in the enclosed Policies and Procedures, in the event that your Step 2 CK scores are classified as indeterminate, you will have the opportunity to take a validating examination at no charge. Those materials further describe the validating examination process and the potential outcomes of that process.

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Please be advised that, in light of possible time constraints that you may have, the USMLE Composite Committee has authorized me to offer you another option. If you wish to expedite this matter by waiving your right to present information for the consideration of the USMLE Committee on Score Validity, you may elect to take a Step 2 CK "validating examination" at no charge as promptly as this can be arranged. In electing this option, you would be waiving the opportunity for any further consideration of the validity of your Step 2 CK scores by the Committee on Score Validity. This prompt validating examination process and its potential outcomes will be the same as the process and potential outcomes described in the enclosed materials. The validating examination process will be designed to take into account the potential impact of certain USMLE materials believed to have been exposed by Optima and will be reasonably comparable in content and standards to the Step 2 CK previously taken by you. If you achieve scores at or above the recommended passing level on the Step 2 CK validating examination, the previously reported passing scores on such examination will be deemed valid and will be a part of your official record. If the scores that you achieve on the Step 2 CK validating examination are below the passing level, then your previously reported scores on that examination will be classified as indeterminate and will so appear on your transcript. In such event, a communication regarding the indeterminate classification of the scores would accompany your transcript and would be shared with prior recipients of your transcript. Scores obtained on the validating examination will not be reported and there will be no record of the validating examination on your transcript. If you elect this option, all reasonable efforts will be made to expedite registration, scheduling, and scoring of the validating examination.

If you do not elect the foregoing option in writing prior to October 2, 2009, this option will no longer be available and the validity of your Step 2 CK scores will be considered by the Committee on Score Validity on October 14, 2009. If you do elect this option, please be advised that the Step 2 CK validating examination must be taken within six (6) months of the date of this letter. If you elect this option, but do not take the validating examination within six (6) months of the date of this letter, then your scores on that examination will be classified as indeterminate and the above-referenced notices of such outcome will be made in your USMLE record and in reports sent to third parties regarding such record.

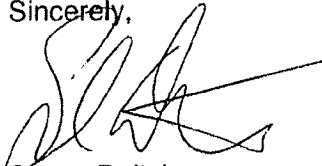
Because there are questions regarding the validity of the scores previously reported to you for the Step 2 CK taken by you in December 2007, those scores will not be provided or verified to any third party pending the review of this matter by the Committee on Score Validity or your successful performance on a validating examination taken pursuant to the foregoing option. By copy of this letter, I am so advising representatives of the Educational Commission for Foreign Medical Graduates (ECFMG) and the Federation of State Medical Boards (FSMB).

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As previously noted, the investigation into this matter is ongoing. The distinction you make in your communication of August 12, 2009 between "participation" and "involvement" is not entirely clear to me. I can advise you, however, that, in the event that a subsequent determination is made that the available evidence provides a reasonable basis to conclude that you may have engaged in irregular behavior, the matter will be referred to the USMLE Committee on Irregular Behavior for its further consideration and action. Please note that the consideration of the validity of your Step 2 CK scores by the Committee on Score Validity does not preclude a subsequent referral to the Committee on Irregular Behavior for action consistent with the applicable policies and procedures (enclosed).

If you have any question regarding the foregoing, please do not hesitate to contact me (sdeitch@nbme.org; (215) 590-9877) or Janet Carson, counsel for the USMLE program (jcarson@nbme.org; (215) 59-9548).

Sincerely,

A handwritten signature in black ink, appearing to be 'S Deitch', with a long horizontal stroke extending to the right.

Susan Deitch
Office of the USMLE Secretariat

Enclosures

C: ECFMG
FSMB